IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3454 OF 2006

Shri Narayan Raosaheb Jadhav, .. Petitioner.
Vs
State of Maharashtrra and ors. .. Respondents

Mr R.S.Bhalerao, for the petitioner.
Mr S.M.Gorwadkar, for respondent nos. 2 to 5.
Mr A.H.Palekar, AGP, for the respondent-State.

CORAM : D.B.BHOSALE,J.
DATE : 16.08.2006

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the judgment and order dated 6.5.2006 passed by the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune in Revision Application No.169 of 2006, by which the revision came to be disposed of since the petitioner failed to comply with the mandatory provisions contained in Section 154(2-A) of the Maharashtra Co-operative Societies Act,1960 (for short, "the Act"). Mr Bhalerao, learned counsel for the petitioner, submits that in 1993, a loan of Rs.one lac was obtained by the petitioner and towards interest thereon he has so far paid more than two lacs rupees and now in pursuance of the certificate, under section 101 of the Act, he is

liable to pay Rs.8,65,076.35. The amount of the certificate, according to the petitioner, is based on wrong calculation and that he is not liable to pay the entire amount of the certificate. I do not wish to examine the contentions advanced by the petitioner in the instant writ petition. However, considering the peculiar facts and circumstances of the case, I am satisfied that in the present case the ends of justice would be met by the following order.

(i) The petitioner is directed to deposit Rs.three lacs within six weeks from today. On the petitioner depositing the said amount, his Revision Application No.169 of 2006 shall stand restored to file and the revisional court shall decide the same on merits in accordance with law as expeditiously as possible and preferably within a period of six months from today. However, if the petitioner fails to do so within the time stipulated, his revision shall stand dismissed for nonprosecution without reference to the Court.

(ii) An amount of Rs.one lac that has been deposited in this court as per the order dated 19.5.2006 is allowed to be withdrawn by the petitioner for depositing the same in the revisional court.

(iii) The order dated 6.5.2006, impugned in the petition, is quashed and set aside.

(iv) This order, allowing the petitioner to deposit only three lacs of rupees, has been passed in view of the peculiar facts of this case and shall not be treated as precedent.

(v) With these directions, the writ petition is disposed of.

(D.B.BHOSALE,J.)